

Millinery Clearance Sale

will close

Saturday, at 5 p.m.

Only three days left to buy Dress and Street Hats at a big reduction.

Trimmed Felt Hats at 33 1-3 per cent. discount

Special Sale of

White Goods.

will begin on

Monday, January 25

Particulars in Saturday's and Sunday's Papers

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BERETANIA and FORT STS., opp. FIRE STATION.

FACTS

It is a fact which thousands of people have demonstrated month after month that in most lines sold in our store our qualities are higher than any found elsewhere and our prices are considerably lower.

The Benson, Smith & Co. Drug Store Service ECONOMY to deal here.

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The Weekly Edition of the Evening Bulletin gives a complete summary of the news of the day.

AMUSEMENTS.

Opera House,

Saturday, Jan. 23d

FIRST APPEARANCE IN HONOLULU OF THE

Cameraphone

THE MACHINE THAT TALKS, SINGS, AND ACTS.

Tickets on sale at Bergstrom Music Co. Prices, 15c, 25c, 35c, and 50c.

Honolulu Scottish Thistle Club

Burns' Anniversary Smoker

January 23d, 1909

Waverley Hall,
CORNER BETHEL AND HOTEL

TICKETS \$1.00
To be had of members of the club

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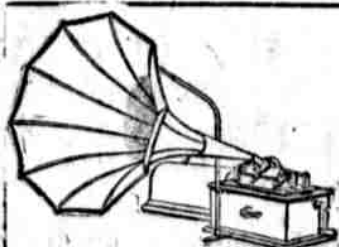
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BOARD OVERRULES HIS HONOR'S VETO

When the Board of Supervisors met last night the members were so anxious to get at the Mayor's veto of the appropriation bill that Ahia started the proceedings by moving that the regular order of business be suspended and the bill taken up at once. There was no objection and the Board started to get busy.

It took just about three minutes to dispose of that veto, and the Supervisors jumped through the task as though it gave them the keenest kind of joy.

Supervisor Quinn presented the report of the Board's Committee on Roads and Bridges, and moved that the Auditor be instructed to draw warrants in payment of the salary demands submitted.

The Mayor stated that he did not consider the action of the Board legal and that, as the Municipal Act made him directly responsible for all moneys paid out through his acts, he must refuse to put the question.

Hardly had the Mayor finished speaking when Aylett jumped to his feet and began:

"Mr. Mayor, I—"

"Keep still," commanded Logan, pulling the would-be orator back to his chair by his coat tails.

Logan then went through his usual little speech of "regretting, Mr. Mayor," etc., and put the question. It was carried, only McClellan voting against it.

Then the salary demands for the fire-fighters and electric light purveyors were brought in. The same old story was retold, not a single variation from the stereotyped form being used. Logan put the question, the Republican Supervisors yelled "Aye" and McClellan growled "No."

At the suggestion of the Deputy City and County Attorney, the salary demands, passed by the Board, were handed over to the Mayor by the County Clerk for his signature. He took each under consideration.

When McClellan arose and, as chairman of the Mayor's Committee on Roads and Bridges, presented his salary demands, everyone was ready to squelch him on the spot. Aylett made a lengthy speech both for and against allowing McClellan to be heard, and the obstreperous Supervisor was about to be bottled up, when the Deputy City and County Attorney gently drew attention to the fact that as a member of the Board of Supervisors, McClellan had a perfect right to bring any matter he chose before that body.

The Mayor directed that the report be read, and those at the other end of the table demanded that it be suppressed.

"Gentlemen," said the Mayor, "it seems to me that Mr. McClellan is not a member of this Board at all. He is ignored in the deliberations of this body."

That started the ball-rolling again and Aylett quoted rules of order, legislative practices and the procedure of Congress to show that McClellan did or did not have a right to say anything.

Finally, it was voted to receive the report and table it.

The resolution appropriating money for the payment of court interpreters was returned with the following veto:

"This resolution, in the methods it provides for drawing the money it appropriates from the City and County Treasury by identical with a 'Resolution making appropriations for the various services of the City and County of Honolulu, which I returned to you without my approval Jan. 15, 1909. The reasons which led me to withhold my approval of that resolution apply with equal force to this, in so far as the methods are concerned by which the money appropriated is to be drawn from the Treasury. Those reasons set out at length in my communication to you of January 15, 1909, I hereby repeat, by reference thereto, as my reasons for disapproving this resolution. The methods of drawing the money appropriated, from the Treasury are, in legal, and in express derogation of Section 85 of the Municipal Act."

This message was filed for consideration and the Board adjourned until this afternoon at 4:30 o'clock.

DRUGGIST POSTED ON ECZEMA.

Eczema sufferers should ask their family physician or the Honolulu Drug Co. of this city what reports are being received from the patients who have been treating the skin with oil of wintergreen liquid as compounded in D. D. Prescription.

San Francisco Merchants' Association elicits in war against high freight rates charged by transcontinental railroads.

LANAI DECISION

(Continued from Page 1)

granted, which, upon the motion of the governor, was dissolved and the bill dismissed as to him. Pratt demurred to the bill and argued as grounds thereof that the bill was insufficient, that it did not appear that he, as commissioner, was doing or about to do any act in violation of law that plaintiff had no legal capacity to sue, that no injury was threatened or otherwise to plaintiff, that he was not sufficiently interested to be entitled to an injunction or to any relief in a court of equity, that the complaint was not properly verified and that the allegation that the defendant, as commissioner, had no legal authority to exchange public lands, was a conclusion of law.

The demurrer was overruled, the court holding that the plaintiff had the right to bring and maintain the suit, and that the proposed exchange of lands was "unlawful, illegal and unwarranted." Ten days were given to further plead, and in default of which the injunction was to be made permanent. The decree was reversed by the Supreme Court of the Territory, 18 Haw. 221. This writ of error was then sued out and George R. Carter, governor, named therein as a defendant, but the writ was subsequently dismissed, as to him, on motion of his successor, the present governor.

The Supreme Court of Hawaii assumed, without definitely deciding, that the plaintiff had a right to maintain the suit. The question of the validity of the exchange, it decided against the contention of the plaintiff, holding that the commissioner had the power to make the exchange. Of the right of plaintiff to sue, the court said that it had been adjudicated in that court that a citizen and taxpayer had a right to obtain an injunction against official acts involving unauthorized use of public funds. To sustain this view the court cited *Castle v. Minister of Finance*, 5 Haw. 27; *Lucas v. Amer. Ry. & C. Co.*, 16 Haw. 80; *Castle v. Secretary of the Territory*, 18 Haw. 769. It is an implication, from the comment of the court, that the ground of those decisions was the pecuniary loss that would come to the taxpayer from the action sought to be restrained. But the court, however, went farther, and said that perhaps the right of the taxpayer to "restrain official acts affecting public property ought not to be based on the pecuniary loss, however trivial or conjectural, but on the broad ground that any citizen may obtain a judicial inquiry into the validity of such acts, and an injunction against them if found to be unauthorized."

The court remarked, however, that on account of the view it entertained of the validity of the acts of the officers, it would not decide the question of the right of the plaintiff to sue. On neither question are we called upon to pass, nor are we required to decide whether the laws of the Territory are Federal statutes by virtue of section 83 of its organic act, which provides that the laws "relating to public lands shall continue in force until Congress shall otherwise provide," and that therefore a Federal question is involved in the case. We have held that the jurisdiction of this court can only be invoked by a party having a personal interest in the litigation. *Smith v. Indiana*, 191 U. S. 138, 148.

The plaintiff has not such an interest. He sues as a property owner and taxpayer, and the relief he asks is an injunction against the commissioner of public lands, to restrain him from exchanging the lands described in the bill for other lands. It is contended that such action is illegal, because that officer has no power to exchange lands except in parcels of not over one thousand acres. The contention is based on the proviso of section 275 of the Revised Laws of Hawaii. We give the section in the margin, and also section 252 and 253.

Walkfests

cause corns, sometimes, and then comfort ceases. Chiropodists are to be sought if you have not the implements for the removal of the offending visitor. We have CORN KNIVES, CORN RAZORS, CORN PLASTERS, CORN CURES.

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TO THE

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